

**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING MINUTES**

DATE: July 25-26, 2012

LOCATION: Hilton Ontario Airport
700 N. Haven Avenue
Ontario, CA 91764

PRESENT: Erin Niemela
Cynthia C. Klein, RN
Michael D. Jackson, BSN, RN
Raymond Mallel
Trande Phillips, RN

ALSO PRESENT: Louise Bailey, M.Ed., RN, Interim Executive Officer
Stacie Berumen, Assistant Executive Officer
Don Chang, DCA Legal Counsel
Kim Ott, Appeals and Decisions Analyst
Christina Sprigg, Administration Manager
Rose Ramos, Administrative Assistant
Carol Stanford, Diversion Program Manager
Katie Daugherty, NEC
Leslie Moody, NEC
Kay Weinkam, NEC
Miyo Minato, NEC
Geri Nibbs, NEC
Kelly McHan, NEC
Scarlett Treviso, Investigation Manager
Daniel Waltmann, Investigator
Kari Carrillo, Investigator
LaRee Youngblood-White, Investigator
Lupe Caceres, Investigator
Cristina Malig, Investigator

Thursday, July 25, 2012

1.0 Call to Order

Erin Niemela, Temporary Chair, called the meeting to order at 9:05 am and had the Board Members introduce themselves.

2.0 Public Comment for Items Not on the Agenda

Genevieve Clavreul, RN, PhD

3.0 Election of Officers

Raymond Mallel was elected President of the Board for 2012. 5/0/0

No public comment.

Cynthia Klein was elected Vice-President of the Board for 2012. 3/0/2

No public comment

4.0 Review and Approve Minutes:

➤ June 21- 22, 2012 Meeting

MSC: Mallel/Jackson that the Board approve minutes from June 21-22, 2012. 5/0/0

5.1 Board and Department Activities

5.1 Executive Officer Report

Louise Bailey presented this report

Board Member Appointments

Raymond Mallel, has been a private investor since 2001; was director of marketing and operations at Long Beach Mortgage Company and Ameriquet Bank from 1991 to 2001 and vice president of Loubella Extendables Inc. from 1971 to 1991. He served as vice president of the State Bar of California Board of Governors from 1983 to 1986 and was chair of the Client Security Fund at the State Bar of California from 1986 to 1990. From 1982 to 1994, he served three consecutive terms on the Medical Board of California, including as president and vice president. Mr. Mallel is a co-founder and member of the International Executive Board for the Sephardic Educational Center in Jerusalem, Israel. He also serves as president of the Raymond Mallel Foundation.

Appointed: May 10, 2012 by Governor Jerry Brown

Term Expires: June 1, 2013

Cindy Cipres Klein, RN, is a registered nurse in population care management with Kaiser Permanente Medical Group since 2005. She has served in multiple positions with Kaiser, including as the RN charge nurse in urgent care from 2003 to 2005 and an ambulatory care RN team leader in family medicine, pediatrics, allergy and obstetrics and gynecology from 1998 to 2003. Ms. Klein worked as a RN supervisor for U.S. Family Care West from 1997 to 1998, as a general pediatric floor nurse at Miller's Children's Hospital in 1996 and as a RN lead for the Universal Care Medical Group from 1992 to 1995. She was a medical records clerk at St. Jude's Medical Center from 1991 to 1992.

Appointed: May 10, 2012 by Governor Jerry Brown

Term Expires: June 1, 2014

Trande Phillips, RN, has been a registered nurse at Kaiser Permanente Walnut Creek Medical Center in the pediatric-flex unit and the medical, surgical, hospice and oncology unit since 1983. She was a registered nurse at the Merrithew Memorial Hospital in Contra Costa County from 1979 to 1981 and the Wichita General Hospital in Texas from 1971 to 1972.

Appointed: May 10, 2012 by Governor Jerry Brown
Term Expires: June 1, 2015

Michael Deangelo Jackson, BSN, RN, is a clinical nurse II in the Department of Emergency Medicine at the University of California, San Diego Medical Center since 2000 and served as an extern there from 1999 to 2000. He has been an adjunct clinical faculty member in the registered nursing program at Southwestern Community College and an operations supervisor at Scripps Mercy Medical Center since 2007. He was a mental health worker at Scripps Mercy Medical Center from 1992 to 2000 and served as a lance corporal in the United States Marine Corps Reserve from 1989 to 1993.

Appointed: May 10, 2012 by Governor Jerry Brown
Term Expires: June 1, 2016

Erin Niemela, was Chief of Staff to former President Pro Tem Don Perata and worked for Perata for 13 years. Prior to her tenure with Perata, she worked for Assembly Democratic Leader Richard Katz, Speaker Willie Brown and served as an intern to former Assembly members Steve Peace and Tom Bates. She is a graduate of UC San Diego. She now owns her own lobbying and consulting firm in Sacramento. She served one term as a Board of Registered Nursing Board Member from July 2009 to December 2011.

Appointed: March 1, 2012 by Senate Rules Committee
Term Expires: June 1, 2016

5.2 Board's Budget Update

Current Year AG Budget: The Attorney General (AG) costs for FY 2011/12 were \$5.311 million. The budget allocation was \$3.365 million and therefore was overspent by \$1.945 million. Due to the hiring freeze which ended in or around November 2011, the Board was unable to fill over 40 vacancies and was able to achieve the savings needed to redirect enough funds to cover the AG shortfall. As a result, the Board did not request an augmentation from the Legislature through approved budget bill language as was done in the prior fiscal year.

As a result of the shortfall in the AG line item, the Board is requesting to increase its Attorney General, Office of Administrative Hearings, and Evidence/Expert Witness fee expenditure authority. The augmentation is needed to support ongoing AG workload and to maintain AG backlog at an acceptable level.

Position Cuts: **Budget Letter: BL-12-03**, Adjust Budget Display to Reflect Actual Expenditures and Eliminate Salary Savings, was issued March 12, 2012. Historically, the Board has achieved its annual salary savings through vacant positions. According to the State Controller's Office, the Board's salary savings for FY 2011/2012 were equivalent to 8.4 positions. Consequently, the Board had to identify 8.4 positions for elimination.

Revenue: The Board's revenue for FY 2011/2012 was higher than originally projected due to increased renewals. Renewals totaled 183,432, an increase of 14,741 over prior year. RNs endorsing into California totaled 11,381, an increase of 1,886 over prior year, conversely RNs leaving California totaled 13,548, an increase of 1,455. RN applications were slightly down by only 715 for a total of 15,512.

5.3 Department of Consumer Affairs (DCA) Updates

Denise Brown, Director - Denise was appointed by Governor Brown on January 9, 2012. As Director, she oversees the nearly 40 regulatory entities and other divisions within the DCA. She has more than 30 years of service with DCA and, during that time, has held numerous positions within the DCA and its various boards.

Awet Kidane, Chief Deputy Director - Awet was appointed in January 2012. As Chief Deputy Director, Awet oversees the internal operations of the DCA. Before being appointed to DCA, he served in various positions in the state Legislature, where he was a chief of staff, a senior advisor, and a consultant.

Reichel Everhart, Deputy Director, Board Relations - Reichel was appointed in January 2012 after having spent a year as Senior Advisor to the previous Director of DCA. She is the DCA's primary liaison with its constituent Boards.

Sonia Huestis, Deputy Director, Bureau Relations - Sonia was appointed June 21, 2012. Before coming to DCA, she served in multiple positions within the California State Controller's office since 2000, for the Operations Support Unit as well as the Unclaimed Property Systems Replacement Project.

Breeze Update – The BreEZe Project launched on October 26, 2011. The BreEZe system will be a new standardized enforcement and licensing IT system that will support DCA's 37 licensing entities and provide more efficient services to California's 37 million consumers. It will replace all of the current legacy and workaround databases, standardize licensing and enforcement, and create new tools never available before. BreEZe will also interface with the exam vendor Pearson VUE, the National Council of State Boards of Nursing (NCSBN), and the AG's office billing system for up to date case cost tracking. Once completed, BreEZe will be the largest licensing system in the world, allowing California's nurses, doctors, contractors, cosmetologists and numerous licensees to apply for, renew, pay and track their licensing online. BreEZe will also allow consumers to file complaints, access complaint status and check licensee information online.

The DCA executed a \$37.8 million contract in September 2011 with Accenture, which will use Iron Data as the software solution. Payment for the project is pending until the vendor delivers the desired product.

The first phase of the project will roll out in Fall 2012 for several health care boards, including the Board of Registered Nursing.

5.4 Travel Restrictions Executive Order B-6-11

The BRN continues to operate under Executive Order B-6-11, issued by the Governor's office on April 26, 2011, regarding discretionary travel. The Executive Order stated that all discretionary travel is prohibited. All in-state non-discretionary travel must be approved by Agency Secretaries or Department Directors who do not report to an Agency Secretary. All out-of-state travel must be approved by the Governor's Office.

5.5 BRN Reports Completed From January through June 2012:

The following reports were completed by the University of California, San Francisco on behalf of the BRN. All reports are available on the BRN Web site.

Annual School Reports

Annual school surveys were completed and reports were generated based upon both programmatic and demographic data from BRN-approved pre-licensure and advanced practice programs as well as some post-licensure programs in California. The schools were surveyed in October of last year and asked to provide data for the August 1, 2010 through July 31, 2011 time period. The survey provides information on student

enrollments, completions, faculty, current nursing education issues, and program specific data. Historical data for every year of the past decade is also included. Statewide and regional reports as well as an interactive database were also completed for pre-licensure nursing programs and a report of post-licensure nursing programs.

The Diversity of California's Nursing Workforce

This is the first study of RN diversity in California conducted by the BRN. The ability of California RNs to provide culturally competent care to Californians is associated with the language skills and diversity of the RN workforce. Moreover, diversity provides opportunities for more young people to obtain postsecondary education and enter the health professions. This analysis focuses on trends in the diversity of California RNs, statewide and by region, and compares this diversity to that of the population of California as a whole. Data from a variety of sources, both BRN and other agencies were used for analysis.

5.6 Surveys and Reports Currently In Progress

The following surveys and reports are currently in progress and will be available on the BRN Web site when completed.

2012 Biennial Survey of Registered Nurses in California

A survey of a random sample of 10,000 actively licensed RNs in California is currently being conducted and is completed every other year. The report generated from this survey describes licensed nurses in California and examines changes over time. Previous studies were completed in 1990, 1993, 1997, 2004, 2006, 2008, and 2010. The report includes information such as demographics, education, employment, earnings, future plans and job satisfaction. This data collection is statutorily required by B & P Code Section 2717. A draft of the report will be available in the spring of 2013.

RN Advanced Education Survey

The BRN is in the planning stages with UCSF to conduct a survey of California RNs about their interest in and completion of advanced education after completing their initial RN education. The survey will include questions about nurses' interest in advanced practice and teaching. Work on this survey will be conducted with UCSF over the next several months.

Online BRN Report Newsletter

The 2012 winter edition of the BRN Newsletter, titled the BRN Report, is currently being developed and should be available on the BRN Web site in November or December. The BRN Report includes up-to-date information on Board members, BRN requirements, current practice issues, the Nursing Practice Act, legislation that impacts registered nursing and other BRN programs. It also includes many direct Web links to information and services on the BRN and other Web sites.

5.7 BRN Website Information

BRN staff has worked diligently over the past several months on the BRN's website to review and revise information to streamline the website and make it as useful and user-friendly as possible. The BRN recently developed a customer satisfaction user survey for the website in order to obtain feedback from the public to determine the usefulness of the different areas and where improvements can be made. The Committee is also reviewing current website information to re-organize and place in a new template that will be implemented in the near future. In addition, the Committee will review and recommend any necessary changes in preparation for the implementation of the new BreEze computer system.

5.8 Diversion Program Manager Honored in Department of Consumer Affairs (DCA) Employee Newsletter

The BRN recently highlighted Diversion Program Manager, Carol Stanford's achievements and over 22 years of dedication to the BRN Enforcement and Diversion Programs in a recent DCA employee newsletter titled Did You Know? Ms. Stanford's most recent achievement was writing, reviewing, and editing many of the chapters for the 2011 publication of the *Substance Use Disorder in Nursing: A Resource Manual and Guidelines for Alternative and Disciplinary Monitoring Programs*. The project was completed as part of her participation on the National Council of State Boards of Nursing Substance Use Disorders Advisory Panel. The purpose of the manual is to provide practical and evidence-based guidelines for evaluating, treating, and managing nurses with a substance use disorder. It is a comprehensive resource of the most current research and knowledge synthesized from both the literature and the field. The BRN's Diversion Program follows the guidelines as outlined in the manual. The entire manual is available for download at the National Council's website.

5.9 Public Record Requests

The BRN continues to comply with public record requests and responds within the required timeframes that are set in Government Code Section 6250. For the period of November 1, 2011 through July 20, 2012, the BRN has received and processed 89 public record requests.

5.10 Board Member Correspondence

For the period of November 1, 2011 through July 20, 2012, the BRN has not received any correspondence addressed to Board Member(s).

5.11 Personnel

The following personnel changes have transpired since the last Board Meeting:

NEW HIRES		
Name	Classification	Board Program
<i>November 2011</i>		
Don Walker	Associate Governmental Program Analyst	Discipline
<i>January 2012</i>		
Scarlett Treviso	Supervising Special Investigator	Investigations
LaRee Youngblood-White	Special Investigator	Investigations
Felicia Woodward	Office Technician	Complaint Intake
Melissa Raposa	Office Technician	Discipline
<i>February 2012</i>		
Teri Quam	Associate Governmental Program Analyst	Complaint Intake
Amanda Cantrell	Associate Governmental Program Analyst	Probation
Karen Agbayani	Key Data Operator	Licensing Support
Rosalia Montanez	Key Data Operator	Licensing Support
Kathlyne Tran	Key Data Operator	Licensing Support
Brian Liomin	Special Investigator	Investigations – No CA
Kristy Whitmire	Special Investigator	Investigations – No CA
Cristina Malig	Special Investigator	Investigations – So CA
Ralph Berumen	Office Technician	Licensing Evaluations
Danielle Walbert	Office Technician	Complaint Intake
<i>March 2012</i>		
Ron Chavez	Office Services Supervisor II	Licensing Support and Evaluations
Christyl Cobb	Office Technician	Complaint Intake
<i>April 2012</i>		
Tim Maciel	Office Technician	Discipline
Kari Carrillo	Special Investigator	Investigations – So CA
Dan Waltmann	Special Investigator	Investigations – So CA

<i>May 2012</i>		
Lupe Caceres	Special Investigator Retired Annuitant	Investigations – So CA
<i>June 2012</i>		
Patrice Steward	Special Investigator	Investigations – So CA
Rosalia Ramos	Administrative Assistant II	Administration

NEW ASSIGNMENTS		
Name	Classification	Board Program
Elizabeth Elias	Associate Governmental Program Analyst	Probation
Richard Stephan	Staff Services Analyst	Discipline

PROMOTIONS		
Name	Classification	Board Program
Stacie Berumen	Staff Services Manager III	Assistant Executive Officer
Christina Sprigg	Staff Services Manager II	Licensing & Administrative Services Division
Kyong Kim-Wong	Special Investigator	Investigations – No CA
Yadira Quintana	Special Investigator	Investigations – No CA
Aaron Hanson	Associate Governmental Program Analyst	Discipline

SEPARATIONS		
Name	Classification	Board Program
Leslie Esparza	Associate Governmental Program Analyst	Discipline
Joaquin Murphy	Supervising Special Investigator	Investigations – No CA
Adan Yanez	Office Technician	Public Information Unit

6.0 Regulation Proposals

Geri Nibbs presented this report

6.1 California Code of Regulations, Article 10, Sponsored Free Health Care Event – Requirements for Exemption

Business and Professions (B&P) Code Section 901 was amended to permit health care professionals, including registered nurses, licensed in another state, district, or territory of the United States, to provide health care services at "sponsored events" in this state without obtaining a California license. (Bass, AB 2699, Statutes of 2010, Chapter 270). The statute defines "sponsored event" as "an event, not to exceed 10 calendar days, administered by either a sponsoring entity or a local government, or both, through which health care is provided to the public without compensation to the health care practitioner." The sponsoring entity must: register with the Board; provide specified information to the county health department in which the services will be provided; and comply with reporting and record keeping requirements. The out-of-state registered nurse must receive authorization to practice without a license from the Board and must meet specified requirements. The statute is repealed January 1, 2014, unless extended.

To facilitate the regulatory process, the Department of Consumer Affairs (DCA) provided a sample regulatory text template to the boards. In October 2011, the Board promulgated a regulatory proposal adopting Article 10, Division 14, Title 16 of the California Code of Regulations, to implement, interpret, and make specific B&P Code Section 901. Only one person submitted comments during the public comment period; the Board rejected the comments. DCA and the Department of Finance approved the regulatory proposal, prior to its submission to the Office of Administrative Law (OAL) in February, 2012.

At the time the BRN submitted its regulatory proposal, OAL was already in the process of reviewing three other boards' proposals and had identified several issues with the proposals. Because each of the boards used the DCA template, modifying it as necessary, OAL advised BRN staff that the same or similar issues existed with the BRN proposal and that modifications would be required for OAL approval; consequently, the regulatory proposal was withdrawn. Staff has prepared proposed text modifications taking into consideration OAL comments as well as DCA and other boards' documents. (Attachment 1).

PROPOSED TEXT MODIFICATION

Section 1501. Sponsoring Entity Registration and Recordkeeping Requirements

1501(a) Registration and (b) Completeness of Form. Include the title of the registration form to be used by the sponsoring entity as well as the form number and edition date in the text of the regulation. The form is titled "Registration of Sponsoring Entity under Business & Professions Code Section 901," form 901-A(DCA/2011), and is incorporated by reference. (Attachment 2) Revise the registration form for congruency with the proposed regulation modification. Add a "personal information collection, access, and disclosure statement," and make other minor changes for conformity with the DCA form to be used by healing arts boards choosing to delegate to DCA the authority for reviewing and processing sponsoring entity applications.

Section 1501(d) Requirement for Prior Board Approval of Out-of-State Practitioner
Add "such practitioner" after "written approval" for greater clarity.

Section 1502 Out-of-State Practitioner Authorization to Participate in Sponsored Event

(a) Registration. In the regulation text, 1) add the title of the form to be completed by the out-of-state applicant, 2) change the form date, and 3) revise the last sentence to clarify that the fingerprint or Live Scan inquiry requirement applies only to the first application in a twelve-month period. The application form is titled "Request for Authorization to Practice without a California License at a Sponsored Free Health Care Event (BRN2011), and is incorporated by reference. (Attachment 3). Revise the form to include more information about fingerprinting and Live Scan inquiry and a "personal information collection, access, and disclosure statement," as well as to make other minor changes.

(d) Appeal of Denial. Change the section 1504 citation to 1503(d) for accuracy.

ADD DOCUMENT TO RULEMAKING FILE

The document, "Data Supporting Fee for Request for Authorization to Practice without a California License" provides additional justification for the \$50 application fee for the out-of-state RN applicant. (Attachment 4) OAL stated that such information would be required to meet the necessity standard.

REVISE INITIAL STATEMENT OF REASONS (ISR)- FACTUAL BASIS/RATIONALE, SECTION 1503, DENIAL OF REQUEST TO PARTICIPATE

Subsection 1503(c)(2) specifies discretionary reasons for denying a request for authorization to practice. OAL recommended that the ISR be revised for clarity; staff is revising the subsection.

Pursuant to the Administrative Procedures Act, modification of the regulatory text and revision of the documents incorporated by reference, addition of a document to the rulemaking file, and revision of the ISR are subject to the 15-day public comment requirement.

DELEGATE TO DCA AUTHORITY TO RECEIVE AND PROCESS "REGISTRATION OF SPONSORING ENTITY UNDER BUSINESS & PROFESSIONS CODE SECTION 901" APPLICATIONS

Section 1501(b) permits the Board, by resolution, to delegate to DCA the authority to receive and process sponsoring entities' applications. Attachment 4 is a draft resolution.

No public comment.

MSC: Klein/Mallel to authorize staff to move forward with a 15-day notice to modify language and add additional documents to the rule making file and to revise the initial statement of reasons which will be made available to the public within 15 days.

If the Board receives no adverse comments regarding those modifications and those additions to the rule making file, then it would authorize its executive officer to adopt the modifications, submit the rule making package and to make any non-summative editorial changes to the package as necessary.

If there are however, any adverse comments with regard to those comments, those matters would be brought back to the Board for its consideration. 5/0/0

6.2 California Department of Education Regulatory Proposal Amendments to the California Code of Regulations, Title 5 Regarding the Administration of Epilepsy Medicine: Emergency Medical Assistance

The California State Board of Education (SBE) has promulgated a regulatory proposal implementing provisions of California Education Code (EC) Section 49414.7, which became effective January 1, 2012. (SB161, Huff, Statutes of 2011, Chapter 560). The statute permits nonmedical school staff, who have volunteered and have been trained in its correct administration, to administer a prescribed emergency antiseizure medication to a pupil suffering from a seizure, in the absence of a credentialed school nurse or other licensed nurse at the school and with written parental authorization. Emergency antiseizure medication is defined as diazepam rectal gel (i.e., Diastat) and emergency medications approved by the Federal Food and Drug Administration for patients with epilepsy for the management of seizures by unlicensed persons. Credentialed school nurses, registered nurses, certificated public health nurses, physicians, and physician assistants are authorized to provide the training and supervision. The California Department of Education (CDE), in consultation with the State Department of Public Health, is required to develop the training and supervision guidelines and to post the information on the department's Internet Web site by July 1, 2012. CDE must also include on its Web site a clearinghouse for best practices in training nonmedical personnel to administer an emergency antiseizure medication.

Emergency regulations containing the guidelines became effective March 26, 2012, and expire September 25, 2012. In March 2012, SBE promulgated a regulatory proposal adopting the emergency regulations as permanent regulations. Six individuals gave testimony at the public hearing held May 7, 2012, and 156 commenters submitted letters during the 45-day public comment period. A stakeholders' meeting was held on May 18, 2012, to provide CDE and stakeholders an opportunity to engage in dialog regarding the proposed regulations. CDE submitted a draft "15-Day Notice Of Modifications To Text Of Proposed Regulations Regarding Administration Of Epilepsy Medication" to SBE for consideration at its July 18 – 19, 2012, meeting. (Attachment 1)

Staff reviewed the regulatory proposal and attended the stakeholders meeting, however, in the absence of a Board quorum, no comments were submitted on behalf of the Board, during the public comment period or at the stakeholders' meeting. Staff concluded that the regulatory proposal: 1) was not consistent with the legislative intent in that it did not provide the mandated training and supervision guidelines, but was essentially a restatement and reorganization of the statutory language; 2) did not conform to the regulatory standards for non-duplication, clarity, and consistency, 3) did not have adequate safeguards to ensure student health and safety when emergency medical assistance, including the administration of antiseizure medication, were provided by volunteer nonmedical school personnel, and 4) by failing to provide the requisite guidelines, which would have established a statewide standard of practice/care for the administration of antiseizure medication by unlicensed school personnel as authorized by

EC Section 49414.7, complicates rather than facilitates the BRN statutory mandate to protect public health and safety by regulating the practice of registered nurses.

The proposed modifications, as submitted to the State Board of Education at its July 2012 meeting, do not resolve the aforementioned issues. Although the SBE is not required to consider comments submitted during the 15-day public comment period that are not relevant to the proposed modifications, staff recommends that the BRN submit a response and that the response include a statement about its analysis of the initial regulatory proposal as well as specific comments about the proposed modifications.

Public comment received by Tricia Hunter, MSN, RN/ANA-C

MSC: Klein/Phillips - authorize staff to submit comments to the Board of Education with regard to these regulations. 5/0/0

7.0 Discipline Updates and Statistics

Cynthia Klein, Chairperson

7.1 Complaint Intake and Investigations Update

Stacie Berumen presented reports 7.1 through 7.3

Staff

Complaint Intake: Since our last Board update, we hired the Complaint Intake manager, Marci White. Ms. White has worked at the BRN in Enforcement for 18 years handling complaints and the applicant desk, she comes with a wealth of experience. With the exception of Nursing Education Consultants (NECs), all complaint intake staff vacancies have been filled.

We have tried for more than one year to recruit five Enforcement NECs and have been unsuccessful. We are looking at ways to increase our hiring pool and will continue to advertise and recruit for these positions.

Investigations: Northern – We are actively recruiting for a replacement Supervising Special Investigator. All seven of our Special Investigator positions have now been filled, our last hire being Yadi Quintana who will be joining us August 1. Ms. Quintana has a BS degree in Criminal Justice and has worked in the Investigations unit supporting our BRN investigators.

Southern – Six of our seven Special Investigator positions are filled and we are actively recruiting to fill the last vacancy. Interviews are scheduled to be held sometime mid to late August.

Program - Complaints

Complaint Intake – The efficiencies of the newly hired support staff has resulted in much higher numbers of conviction cases being referred to the analysts on a daily basis. We are looking at ways to absorb the increased workload with limited existing resources.

Applicants for Licensure – We continue to review and streamline processes to improve the turnaround times for applicants in enforcement, however, the backlog of conviction cases the analysts are dealing with is hampering those efforts.

Due to the increasing numbers of fraudulent transcripts being submitted with licensing applications, the BRN is working closely with other governmental agencies to assist us in completing our investigations.

In an effort to assist the schools in preparing nursing students to apply for their NCLEX-RN, Louise Bailey attended the annual Association of California Nurse Leaders conference, on February 7, 2012, to address enforcement matters as they pertain to nursing school pre-enrollment and nursing student graduates.

Fingerprint Requirement – Letters were sent to approximately 5,000 non-compliant individuals, many of whom have since complied. At the end of the first two-year renewal cycle in March of 2013, we will perform a second audit to determine how many responded to the letters and if there are any still outstanding fingerprint submissions.

Nursys – Alerts for out of state discipline are received daily through Nursys. All out of state documents have been requested and received for nurses disciplined by another state prior to receiving daily alerts.

Program - Investigations

Scarlett Treviso, our southern area Supervising Special Investigator, is assisting with supervisory duties in the north until we can fill our vacancy.

We continue to utilize the resources and expertise of DOI for cases that meet their investigation criteria, as well as those that are prioritized as high or urgent.

Ms. Treviso and her staff in the south have met with the LA County Coroner's Office and DOI to establish relationships that will assist us in completing timely investigations. Future plans include meetings with Southern California Risk Management Association, Pyxis Corporation (re: locked electronic medication dispensary), and California Department of Public Health (CDPH) Investigators.

Statistics

For fiscal year 2011/12 we received 7,844 complaints as compared to 7,977 last fiscal year, largely due to completion of retroactive fingerprinting. As of June 30, 2012, there are 851 pending DOI investigations and 280 pending BRN investigations.

Please review the enforcement statistics reports in 7.3 for additional breakdown of information.

7.2 Discipline and Probation Update

Staff

The Probation Unit is currently fully staffed. One Office Technician (OT) position will expire on September 30, 2012, leaving the unit with one OT. The position will be vacant as of August 1, 2012; there is no plan to fill this position.

The Discipline Unit has a full-time permanent OT vacancy, as well as permanent full-time Staff Services Analyst (SSA) vacancy. We have begun the interview process for both.

All Discipline analyst positions have been filled. Effective December 2, 2011, one position was filled with a health facilities evaluator II from Department of Public Health. The remaining position was filled effective June 30, 2012, with a lateral transfer from a BRN special investigator position. One of our Staff Services Analysts promoted to the Associate level in June 2012.

The Discipline Unit has filled the two vacant office technician positions (OT), one permanent full time and one limited term that in the process of being re-classed to a permanent position. Effective January 3, 2012, the permanent position was filled with a lateral transfer from the Athletic Commission. Effective February 22, 2012, the limited term position was filled by an employee from a private insurance company.

Program – Discipline

The Discipline Legal Support staff continues to prepare default decisions from the Oakland and San Francisco AGs offices. The BRN continues to pursue the ability to prepare all default decisions.

The case load per discipline analyst has increased from approximately 200 per analyst to 350.

As workload is transitioned from Discipline to Complaint Intake the analysts will begin auditing charges from the AG's offices to determine if the BRN is being charged appropriately. It is more important than ever to regularly audit AG billing since the Governor signed legislation which limits billing disputes with the AG's office to 45 days after a bill has been submitted for payment by an agency.

Staff continues to increase its usage of citation and fine as a constructive method to inform licensees and applicants of violations which do not rise to the level of formal disciplinary action.

Citations and fines have increased; we have issued more citations and received more payments than any time in BRN history. Citation information below reflects the work since the last Board meeting in November 2011.

Number of citations issued	394
Total fines ordered	\$263,500.00
Fines paid	\$134,395.00
Citations pending issuance	164

The Discipline Unit continues to work on the NURSYS discipline data comparison project (SCRUB) and will continue to do so until all records have been reconciled against California's records. The status of the documents reviewed:

Referred to the Attorney General	527
Pleadings Received	452
Default decisions effective	170
Referred to Cite and Fine	45

Closed Without Action (Action taken by CA (prior to 2000) but not reported to Nursys or information approved at time of licensure)
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777

Program – Probation

The Probation Unit audited the files for past probationers who still owed cost recovery. Payment plans were sent out and payments are being received. Full payments must be received before the RN can renew their license. There is approximately \$43,000 due within the next year.

The Probation Unit will present the probation monitoring module at the DCA Enforcement Academy on October 29 – November 2, 2012.

The Probation Unit recently offered assistance to the Discipline Unit with various assignments to help alleviate the workload backlog.

In June 2012, the Probation Unit provided training to the San Diego AG's office on implementing probation terms negotiated during settlement. Training has already been given to the San Francisco and Oakland offices.

AG COSTS:

As of July 17, 2012, the BRN has expended \$1,077,830 at the AG's office on the Nursys Scrub cases.

Statistics - Discipline

AS of July 17, 2012, there are approximately 1,475 discipline cases pending at the AG's office which continues to remain at a very high level. The BRN continues to be the AGO's largest client, surpassing the Contractor's State Licensing Board.

Please review additional statistical information which can be found under item 7.3.

Statistics – Probation

Below are the statistics for the Probation program from July 1, 2011 to June 30, 2012

Probation Data	Numbers	% of Total
Male	142	23%
Female	486	77%
Chemical Dependency	311	49%
Practice Case	197	31%
Mental Health	322	<1%
Conviction	118	19%
Advanced Certificates	57	8%
Southern California	312	50%
Northern California	316	50%
Pending at the AG	77	12%
License Revoked	8	<1%
License Surrendered	31	<1%
Terminated	9	<1%
Completed	68	<1%
Total in-state probationers	628	

7.3 Enforcement Statistics

CALIFORNIA BOARD OF REGISTERED NURSING ENFORCEMENT STATISTICS

June 30, 2012

STATISTICAL DESCRIPTION	2007-08	2008-09	2009-10	2010-11	2011-12
Complaints Received	3,900	5,794	7,483	7,977	7,844
Consumer Complaints	2,781	3,323	2,190	3,063	2,735
Convictions/Arrests	1,119	2,471	5,293	4,914	5,109
Referred to Diversion Program	332	400	604	368	1,053
Division of Investigation (Sworn)-Assigned	816	582	484	835	693
Division of Investigation Closed	771	748	1,015	716	648
Division of Investigation Pending	1,336	1,170	641	789	851
BRN Investigations (Non Sworn)-Assigned			58	33	298
BRN Investigations Closed			14	53	27
BRN Investigations Pending			40	25	280
BRN Desk Investigations Assigned	3,140	5,650	7,865	7,409	7,204
BRN Desk Investigations Closed	2,319	3,519	7,116	6,668	5,925
BRN Desk Investigations Pending	928	1,677	1,887	2,137	3,029
Criminal Actions Filed	23	22	21	16	9
Total Cite and Fine Citations Issued	35	115	181	105	412
Referred to Attorney General	436	515	766	1,190	944
Cases Pending at Attorney General	599	692	838	1,198	1,448
Petitions to Revoke Probation Filed	74	59	91	61	55
Accusations Filed	404	359	696	913	589
Statements of Issues Filed	16	14	13	52	132
Total Pleadings	494	432	800	1,026	776
Orders to Compel Examination (Sec. 820)	6	4	4	10	12
Interim Suspension Order	1	2	8	1	0
PC23	4	8	6	7	8
Applicant Disciplinary Actions:					
(a) License Denied	17	15	27	55	72
(b) License Issued on Probation	10	4	9	14	43
Total, Applicant Discipline	27	19	36	69	115
Licensee Disciplinary Actions:					
(a) Revocation	121	131	243	273	227
(b) Probation	131	139	176	267	225
(c) Suspension/Probation	10	6	1	6	3
(d) License Surrendered	73	79	92	155	128
(e) Public Reprimand/Reproval	3	8	12	37	79
(f) Decisions Other	1	5	2	5	3
Total, Licensee Discipline	339	368	526	743	665
Process Used for Discipline (licensees)					
(a) Administrative Hearing	38	56	58	102	121
(b) Default Decision	101	105	206	217	183
(c) Stipulation	200	207	262	424	361
Total	339	368	526	743	665

7.4 Diversion Program Update and Statistics

Cynthia Klein, Chairperson

Carol Stanford presented this report

Program Update

The Diversion Program is fully staffed which makes it easier to ensure that at least one Diversion staff member attends each Diversion Evaluation Committee (DEC) meeting. The DEC members and Maximus staff appreciate having a staff member attend meetings to clarify policies and make sure everyone stays within their boundaries.

The Program Manager, Carol Stanford along with the three Diversion analysts, Millie Lowery, Anita Rodriguez, Gina Skinner and Maximus Project Director, Virginia Matthews presented four educational seminars at Feather River Hospital in Paradise on February 19, 2012.

Carol Stanford, Millie Lowery and Virginia Matthews presented two educational seminars at Shasta Regional Medical Center in Redding on June 14, 2012. This presentation was prompted by feedback from the seminars held at Feather River Hospital.

Carol Stanford and Virginia Matthews presented an educational and training seminar to Deputy Attorney Generals in San Diego on June 21, 2012.

Carol Stanford and Diversion staff presented an educational training for all interested BRN staff on June 26, 2012. Positive feedback was received from numerous attendees.

Diversion Evaluation Committees (DEC)

A Diversion Evaluation Committee Orientation will be scheduled for Fall 2012. There are currently 15 vacancies as follows: three physicians, nine nurses and three public members. Recruitment efforts continue.

Statistics

The Monthly Statistical Summary Report for July 1, 2011 through June 30, 2012 is attached. As of June 30, 2012, there were 1,669 successful completions.

**BOARD OF REGISTERED NURSING
DIVERSION PROGRAM
STATISTICAL SUMMARY
July 1, 2011 - June 30, 2012**

	CURRENT MONTHS	YEAR TO DATE (FY)	PROGRAM TO DATE
INTAKES COMPLETED	190	190	4,454
INTAKE INFORMATION			
Female	151	151	3,507
Male	39	39	947
Average Age	40-59		
Most Common Worksite	Hospital		
Most Common Specialty	ER		
Most Common Substance Abused	Alcohol/Opiates		
PRESENTING PROBLEM AT INTAKE			
Substance Abuse (only)	100	100	2,876
Mental Illness (only)	2	2	146
Dual Diagnosis	84	84	1,385
Undetermined	4	4	47
REFERRAL TYPE*			
Self	53	53	1,366
Board	137	137	3,088
*May change after Intake			
ETHNICITY (IF KNOWN) AT INTAKE			
Asian	7	7	92
African American	6	6	139
Hispanic	10	10	170
Native American	1	1	31
Pacific Islander	2	2	19
Caucasian	162	162	3,674
Other	2	2	63
Not Reported	0	0	266
CLOSURES			
Successful Completion	102	102	1,669
Failure to Derive Benefit	8	8	115
Failure to Comply	14	14	938
Moved to Another State	0	0	51
Not Accepted by DEC	4	4	48
Voluntary Withdrawal Post-DEC	16	16	303
Voluntary Withdrawal Pre-DEC	29	29	442
Closed Public Risk	32	32	246
No Longer Eligible	0	0	10
Clinically Inappropriate	2	2	12
Sent to Board Pre-DEC	0	0	1
Client Expired	1	1	38
TOTAL CLOSURES	208	208	3,873
NUMBER OF PARTICIPANTS: 486 (as of June 30, 2012)			

No public comment.

7.4.1 Committee Member Term Resignations

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in chemical dependency and/or mental health.

The following Diversion Evaluation Committee members have resigned for personal reasons. They will be recognized and a letter of appreciation will be mailed to each of them.

Resignations

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
R.Keith Simpson	Physician	Orange County	4
Deborah Steele	Nurse	Central Valley	5

7.4.2 Diversion Evaluation Committee Member Appointments

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in substance use and abuse disorders and/or mental health.

Appointments

Below are the names of candidates who were interviewed and are recommended for appointment to the DEC. Their applications and résumés are attached. If appointed, their terms will expire June 30, 2016.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Mihran Ask	Physician	Orange County	4
Alan Abrams	Physician	Irvine	14
Sally Barbella	Nurse	Orange County	4
Scott Bertrand	Nurse	Orange County	4
Donna Bishop	Nurse	Sacramento	1
Brooke Kilpatric	Nurse	Bay Area	2
Mary Kropf	Nurse	Bay Area	2
Patricia Mraz	Nurse	Orange County	4
Edward Olivás III	Public	Los Angeles	3
Travis Svensson	Physician	Oakland	13
LaFrancine Tate	Public	Bay Area	2
Joan Taylor	Nurse	San Jose	7

MSC: Klein/Niemela to ratify the Diversion Evaluation Committee Member Appointments. 5/0/0

Reappointments

Below are the names of members who are recommended for reappointment to the Diversion Evaluation Committees (DEC). Their requests and résumés are attached. If appointed, their terms will expire June 30, 2016.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Elaine Bradley	Nurse	Palm Springs	6
Richard Diamond	Public	Sacramento	1
Frank Hall	Nurse	North Coast	11

Below are the names of members who are recommended for term extensions to the Diversion Evaluation Committees (DEC). Their requests and résumés are attached. If appointed, their terms will expire June 30, 2014.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Dianne Christoffels	Nurse	San Diego	10
Richard Jaco	Nurse	Sacramento	1
Laura Leedahl	Nurse	Ontario	9
Edy Stumpf	Public	Orange County	4

MSC: Klein/Jackson to accept the re-appointments of the DEC Members. 5/0/0

Transfers

Below are the names of the DEC members who are being recommended for a transfer to another committee.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Marshall Alameida	Nurse	North Central	12
Mary Hegarty	Nurse	Fresno	5
Sharon Fritz	Nurse	San Diego	10

MSC: Jackson/Phillips to approve three members transfer to a different committee. 5/0/0

8.0 Report of the Legislative Committee

Erin Niemela, Chairperson

8.1 Positions on Bills of Interest to the Board

Kay Weinkam presented this report

SB 122 (Price) Healing Arts

The following people provided a comment:

Tricia Hunter, MSN, RN/ANA-C

Brian Chilstrom, Executive Director of Institutional Affairs and Compliance, Summit College

Cathy McJannet, Director of Nursing and Health Occupations Programs

MSC: Klein/Niemela that the Board Support SB 122. 5/0/0

9.0 Report of the Education/Licensing Committee

Michael Jackson, MSN(c), RN, CEN, MICN, Chairperson

Leslie Moody presented this report

9.1 Ratify Minor Curriculum Revision

- Biola University Baccalaureate Degree Nursing Program
- California State University, Sacramento, Baccalaureate Degree Nursing Program
- California State University, San Marcos, Baccalaureate Degree Nursing Program
- California State University, Stanislaus, Baccalaureate Degree Nursing Program
- Simpson University Baccalaureate Degree Nursing Program
- University of California, Irvine, Baccalaureate Degree Nursing Program
- University of California, Los Angeles, Baccalaureate Degree Nursing Program
- University of San Francisco Baccalaureate Degree Nursing Program
- West Coast University – Inland Empire (Ontario) Baccalaureate Degree Nursing Program
- West Coast University – Los Angeles Baccalaureate Degree Nursing Program
- West Coast University – Orange County Baccalaureate Degree Nursing Program
- Western Governors University Baccalaureate Degree Nursing Program
- Butte College Associate Degree Nursing Program
- Chabot College Associate Degree Nursing Program
- City College of San Francisco Associate Degree Nursing Program
- College of Marin Associate Degree Nursing Program
- College of the Desert Associate Degree Nursing Program
- College of the Sequoias Associate Degree Nursing Program
- College of the Siskiyous Associate Degree Nursing Program
- Copper Mountain College Associate Degree Nursing Program
- East Los Angeles College Associate Degree Nursing Program
- ITT Technical Institute, Rancho Cordova, Associate Degree Nursing Program
- Los Angeles Trade Technical College Associate Degree Nursing Program
- Merritt College Associate Degree Nursing Program
- MiraCosta College Associate Degree Nursing Program
- Moorpark College Associate Degree Nursing Program
- Mt. San Jacinto College Associate Degree Nursing Program
- Pacific Union College LVN to RN Associate Degree Nursing Program
- Porterville College Associate Degree Nursing Program
- Riverside City College Associate Degree Nursing Program
- Sacramento City College Associate Degree Nursing Program
- Saddleback College Associate Degree Nursing Program
- San Joaquin Valley College Associate Degree Nursing Program
- Shasta College Associate Degree Nursing Program
- Shepherd University Associate Degree Nursing Program
- Southwestern College Associate Degree Nursing Program
- Unitek College LVN to RN Associate Degree Nursing Program
- West Hills College Lemoore Associate Degree Nursing Program
- Yuba College Associate Degree Nursing Program
- University of California, Los Angeles, Nurse Practitioner Program
- University of California, San Francisco, Nurse Practitioner Program

Acknowledge Receipt of Program's Progress Report

- American University of Health Sciences Baccalaureate Degree Nursing Program
- Azusa Pacific University Baccalaureate Degree Nursing Program
- California State University, Stanislaus, Baccalaureate Degree Nursing Program
- Holy Names University LVN to Baccalaureate Degree Nursing Program
- Simpson University Baccalaureate Degree Nursing Program
- Everest College Associate Degree Nursing Program
- ITT Technical Institute, Rancho Cordova, Associate Degree Nursing Program
- Porterville College Associate Degree Nursing Program
- Southwestern College Associate Degree Nursing Program

No public comment.

MSC: Jackson/Klein to ratify minor curriculum revisions and acknowledge receipt of program's progress reports. 5/0/0

9.2 Approve Major Curriculum Revisions

- California State University, Stanislaus, Baccalaureate Degree Nursing Program

No public comment.

MSC: Klein/Niemela that the Board Approve the Major Curriculum Revision for CSU Stanislaus. 5/0/0

- West Coast University – Inland Empire (Ontario) Baccalaureate Degree Nursing Program
- West Coast University – Los Angeles Baccalaureate Degree Nursing Program
- West Coast University – Orange County Baccalaureate Degree Nursing Program

No public comment.

MSC: Klein/Jackson that the Board accepts the proposal for West Coast University for each of the three listed above campuses. 5/0/0

- Southwestern College Associate Degree Nursing Program

No public comment.

MSC: Klein/Niemela to approve the major curriculum revision proposed by Southwestern College. 5/0/0

- Sonoma State University Nurse Practitioner/Master's Degree Nursing Program and Post Master's FNP Certificate Program option

No public comment.

MSC: Jackson/Niemela to approve the major curriculum revision for Sonoma State University Nurse Practitioner/Master's Degree Nursing Program and Post Master's FNP Certificate Program option. 5/0/0

9.3 Licensing Program Overview and Statistics

Christina Sprigg presented this report

Program Update:

The Board of Registered Nursing Licensing Program has been processing applications for graduates wanting to take the National Licensure Examination for Registered Nurses, NCLEX-RN. California nursing programs are able to provide the Board with information for their graduates a minimum of four (4) weeks prior to graduation. We are finding more nursing programs do not submit documentation until after the graduation date and issuance of the final, official transcript. This helps to ensure that students have met all degree and nursing requirements.

We have experienced an increase in the number of students who do not successfully pass all of the required course work and are not eligible to test. When a student(s) is not successful, it is the responsibility of the nursing program to contact the Board, in a timely manner, so we do not continue processing the application and consider the student(s) eligible for the examination. If the Board is not notified timely, it is possible for an ineligible student to be found eligible for the examination. The Licensing Program is discussing other methods for determining a student's eligibility and decreasing the chances of an ineligible student testing.

The Licensing Program received and processed 1,712 applications in May and 1,246 applications in June from California graduates. Of these, 1,542 applicants were found eligible in May and 559 applicants were found eligible in June.

After a number of unsuccessful attempts, the Licensing Program has hired an Office Services Supervisor II to supervise the support staff and US Evaluators. Ron Chavez brings experience as both a supervisor and licensing evaluator to our program.

Statistics:

The statistics for the last three fiscal years are attached. You will note there has been a decrease in the number of applications for examination, endorsement and repeaters during the last three fiscal years. It is believed this is due to the economic slowdown and the Board no longer accepting applications that do not include a United States Social Security Number.

Issues:

- International Analysts are receiving applications from students who attended nursing programs in the Philippines beginning in 2004/2005 who do not complete the clinical cases, required as part of the curriculum, concurrently with the associated theoretical instruction. California Code of Regulations Section 1426 (d) requires that theory and clinical practice be concurrent in the following nursing areas: geriatrics, medical-surgical, mental health/psychiatric nursing, obstetrics and pediatrics.
- We are receiving questionable transcripts and nursing licenses from the Philippines. For example: four applicants who attended the same nursing program had transcripts sent allegedly from their nursing program. The transcripts were questionable which prompted staff to contact the school. A response was received from an official at the school informing us that none of these four applicants attended that school

- Another applicant began a nursing program in the Philippines. The applicant left the program in 2000 and returned in 2007. The documentation from the program shows this applicant completed 136 hours of lectures and 408 hours of clinical practice in eighteen (18) weeks. The official documentation received from the nursing program shows that the applicant was in the Philippines for only 24 days of the eighteen weeks. The student was awarded full credit for the course.
- Credits are given for entire programs such as vocational nursing, nursing assistant and MD level to meet RN course work requirements. The student completes minimal theoretical and clinical course work prior to receiving the degree as a Registered Nurse.
- We are receiving applications from students who attended on-line programs offering degrees based on work and/or life experiences. The student can receive a degree without ever speaking to an instructor, opening a book or attending classes. The degree can be awarded in as few as 7 days. A transcript for an applicant who completed one of these programs was sent from a company based in the United Arab Emirates.

**CALIFORNIA BOARD OF REGISTERED NURSING
LICENSING STATISTICS**

DESCRIPTIONS	FISCAL YEAR 2009/10			FISCAL YEAR 2010/11			FISCAL YEAR 2011/12		
	APPS RECEIVED	**APPS PENDING	LICENSES & CERTS ISSUED	APPS RECEIVED	**APPS PENDNG	LICENSES & CERTS ISSUED	APPS RECEIVED	**APPS PENDING	LICENSES & CERTS ISSUED
REGISTERED NURSE – EXAMINATIONS ENDORSEMENTS & REPEATERS	44,516	7,492	23,357	34,559	5,933	23,150	37,226	4,725	22,853
CLINICAL NURSE SPECIALISTS	240	27	204	200	97	197	246	101	200
NURSE ANESTHETISTS	139	4	124	148	22	145	185	31	169
NURSE MIDWIVES	42	0	38*	44	18	48*	74	21	58
NURSE MIDWIFE FURNISHING NUMBER	37	2	32	23	6	23	37	4	37
NURSE PRACTITIONERS	937	9	854	838	263	917	1,273	248	1,161
NURSE PRACTITIONER FURNISHING NUMBER	670	7	598	699	65	751	894	149	857
PSYCH/MENTAL HEALTH LISTING	5	1	4	8	5	6	8	10	2
PUBLIC HEALTH NURSE	2,538	120	2,373	2,679	343	2,712	3,032	474	2,853

*Nurse-Midwife applicants are often educated outside of the United States and must remediate course work prior to certification.

**Applications pending – Initial evaluation is complete; additional documentation required to complete file or applicant needs to register with the testing service, Pearson Vue.

9.4 NCLEX-RN Pass Rate Update

Katie Daugherty presented this report

The Board of Registered Nursing receives quarterly reports from the National Council of State Boards of Nursing (NCSBN) about the NCLEX-RN test results by quarter and with an annual perspective. The following tables show this information for the last 12 months and by each quarter.

NCLEX RESULTS – FIRST TIME CANDIDATES

January 1, 2011– December 31, 2011*

JURISDICTION	TOTAL TAKING TEST	PERCENT PASSED %
California	10,634	88.22
United States and Territories	144,565	87.90

CALIFORNIA NCLEX RESULTS – FIRST TIME CANDIDATES

By Quarters and Year January 1, 2011-December 31, 2011*

1/01/11-3/31/11		4/01/11-6/30/11		7/01/11-9/30/11		10/01/11-12/31/11		1/01/11-12/31/11	
# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass
3,465	90.22	2,400	89.88	3,785	86.31	984	84.45	10,634	88.22

**Includes (6), (9), (3) and (3) "re-entry" candidates. 2010 NCLEX-RN Test Plan and a higher passing standard (-0.16 logits) were implemented April 1, 2010.*

The Nursing Education Consultants (NECs) monitor the NCLEX results of their assigned programs. Current procedure provides that after each academic year (July 1-June 30), if there is substandard performance (below 75% pass rate for first time candidates), the NEC requests the program director submit a report outlining the program's action plan to address this substandard performance. Should the substandard performance continue in the second academic year, an interim visit is scheduled and a written report is submitted to the Education/Licensing Committee. If there is no improvement in the next quarter, a full approval visit is scheduled within six months. A report is made to the Education /Licensing Committee following the full approval visit.

The Board of Registered Nursing receives quarterly reports from the National Council of State Boards of Nursing (NCSBN) about the NCLEX-RN test results by quarter and with an annual perspective. The following tables show this information for the last 12 months and by each quarter.

NCLEX RESULTS – FIRST TIME CANDIDATES

April 1, 2011– March 31, 2012*

JURISDICTION	TOTAL TAKING TEST	PERCENT PASSED %
California	10,426	88.77
United States and Territories	146,668	88.41

CALIFORNIA NCLEX RESULTS – FIRST TIME CANDIDATES

By Quarters and Year April 1, 2011-March 31, 2012*

4/01/11- 6/30/11		7/01/11- 9/30/11		10/01/11- 12/31/11		1/01/12- 3/31/12		4/01/11- 3/31/12	
# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass
2,400	89.88	3,785	86.31	983	84.44	3,258	92.11	10,426	88.77

*Includes (9), (3), (3) and (4) "re-entry" candidates. 2010 NCLEX-RN Test Plan and a higher passing standard (-0.16 logits) were implemented April 1, 2010.

Note: It is anticipated the 2013 NCLEX-RN Test Plan and passing standard will be implemented April 1, 2013; further detail will be provided once NCSBN Delegate Assembly adopts the 2013 Test Plan.

The Nursing Education Consultants (NECs) monitor the NCLEX results of their assigned programs. Current procedure provides that after each academic year (July 1-June 30), if there is substandard performance (below 75% pass rate for first time candidates), the NEC requests the program director submit a report outlining the program's action plan to address this substandard performance. Should the substandard performance continue in the second academic year, an interim visit is scheduled and a written report is submitted to the Education/Licensing Committee. If there is no improvement in the next quarter, a full approval visit is scheduled within six months. A report is made to the Education /Licensing Committee following the full approval visit.

NCLEX-RN Pass Rates First Time Candidates Comparison of National US Educated and CA Educated Pass Rates By Degree Type

Academic Year July 1-June 30, 2012	July-Sept		Oct-Dec		Jan-Mar		April-June		2011-2012 Cumulative Totals
	#Tested	% Pass	#Tested	% Pass	#Tested	% Pass	#Tested	%Pass	
National US Educated- All degree types *	52,297	(85.0)	12,040	(82.7)	37,353	(91.2)			
CA Educated- All degree types*	3,785	(86.3)	984	(84.4)	3,258	(92.1)			
National-Associate Degree rates**	29,010	(84.2)	6,749	(81.2)	21,638	(90.1)			
CA-Associate Degree rates**	2,439	(86.6)	493	(83.7)	1,988	(92.4)			
National-BSN+ELM rates***	21,713	(85.9)	4,925	(84.5)	14,799	(92.7)			
CA-BSN+ELM rates***	1,343	(85.8)	488	(85.4)	1,266	(91.6)			

National rate for All Degree types includes four categories of results: Diploma, AD, BSN+ELM, and Special Codes. Use of the Special Codes category may vary from state to state. In CA, the Special Codes category is most commonly used for re-entry candidates such as eight year retake candidates wishing to reinstate an expired license per CCR 1419.3(b). The CA aggregate rate for the All degree types includes AD, BSN+ELM, and Special Codes but no diploma program rates since there are no diploma programs in CA. CA rates by specific degree type exclude special code counts since these are not reported by specific degree type.

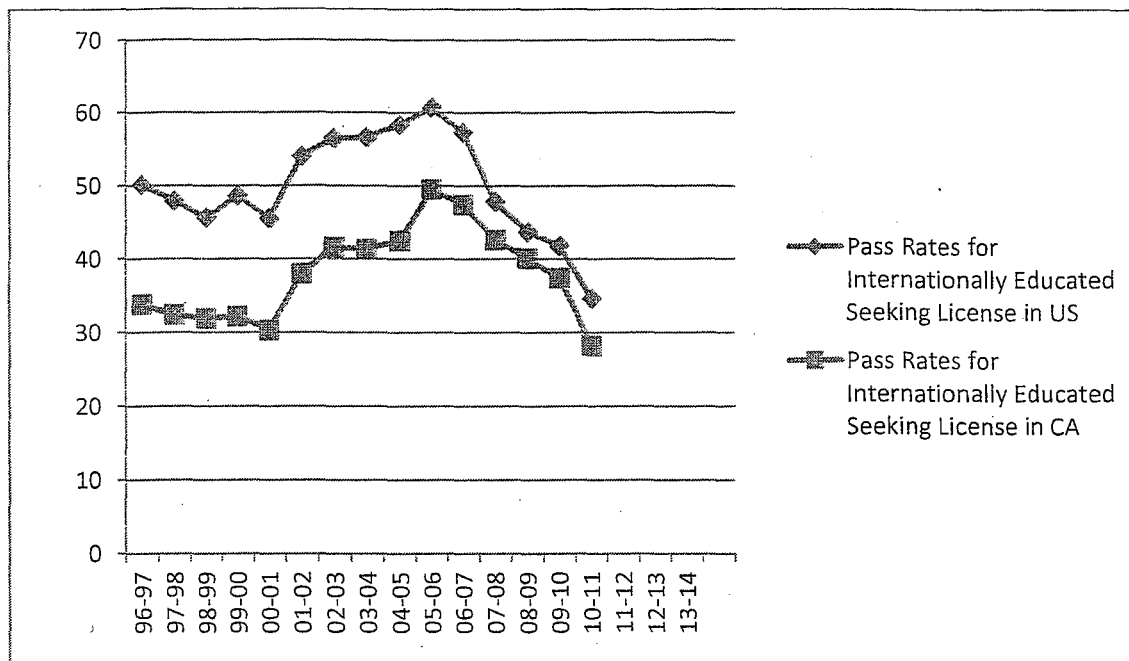
**National and CA rates reported by specific degree type include only the specific results for the AD or BSN+ELM categories.

*** Historically, ELM programs have been included in the BSN degree category by NCSBN.

Note: This report includes any quarter to quarter corrections NCSBN has made in data.

Source: National Council of State Boards Pass Rate Reports

California Board of Registered Nursing Comparison of National and California NCLEX Pass Rates Internationally Educated First Time Candidates



Year	Intl. Edu. Seeking Licensure in a U.S. Jurisdiction				Intl. Edu. Seeking Licensure in California			
July 1–June 30	#Tested	%Pass			#Tested	%Pass		
96-97	7,147	50.1			1,817	33.8		
97-98	6,322	47.9			1,928	32.4		
98-99	5,931	45.6			1,867	31.9		
99-00	7,051	48.6			2,067	32.2		
00-01	7,355	45.5			2,546	30.3		
01-02	9,339	54.0			3,611	38.0		
02-03	14,766	56.4			4,844	41.6		
03-04	17,773	56.6			5,901	41.3		
04-05	17,584	58.3			5,500	42.5		
05-06	20,691	60.7			6,726	49.5		
06-07	31,059	57.3			11,444	47.4		
07-08	32,420	47.8			14,385	42.6		
08-09	26,517	43.7			14,740	40.1		
09-10	18,122	41.8			10,195	37.4		
10-11	11,397	34.6			5,854	28.2		

Source: NCSBN and CA BRN ATS Reports

Year to Year pass rate changes may be due to one or more factors, including, but not limited to:

- *Global economy changes and changes in the RN labor market (fewer RN retirements/less turnover; etc.) in the U.S.
- *Retrogression (limited visas available); slowed recruitment of internationally educated RNs by U.S. employers
- *2010 BRN Social Security number requirements for all applicants
- *Differences in international nursing education as compared with the U.S.; English language proficiency
- *Differences in a country's nursing regulations and scope of practice as compared to the U.S.
- *Differences in health care delivery systems as compared with the U.S.
- *Differences in candidate preparation for the NCLEX examination as compared with the U.S.

10.0 Public Comment for Items Not on the Agenda

Cathy McJannet, Director of Nursing and Health Occupations, Southwestern College.

The meeting adjourned at 12:30 pm. R. Mallel, Board President, called the closed session meeting to order at 1:30 pm. The closed session adjourned at 3:50 pm.

11.0 Closed Session

Deliberation on Personnel Matters and Action on Personnel Decisions Pursuant to Government Code Section 11126(a) (1)

A) Review and Discussion of Executive Officer Candidates

B) Selection and Appointment of Executive Officer

Disciplinary Matters

The Board will convene in **closed session** pursuant to Government Code Section 11126(c) (3) to deliberate on disciplinary matters including stipulations and proposed decisions.

Thursday, July 26, 2012 – 9:00 am

12.0 Call to Order – Board President called the meeting to order at 9:05 am and had the members introduce themselves.

Members: Erin Niemela, Temporary Chair
Cynthia Klein, RN
Michael D. Jackson, BSN, RN
Raymond Mallel
Trande Phillips, RN

Executive Officer: Louise Bailey, M.Ed., RN

13.0 Public Comment for Items Not on the Agenda

No public comment

14.0 Disciplinary Matters

Reinstatements

Emelito Balmes
Robin Fisher-Nweke
Wayne Hamor
Herminia Villanueva
Barbara Bateman
Summer Jensen-Toft

Termination/Modification of Probation

Francis Calderon
Clayton McInnis

15.0 Closed Session

Disciplinary Matters

The Board convened in **closed session** pursuant to Government Code Section 11126(c) (3) to deliberate on the above matters and other disciplinary matters including stipulations and proposed decisions.

Raymond Mallel, Board President, called the closed session meeting to order at 11:00 am. The closed session adjourned at 2:05 pm.

	
<u>Louise Bailey, M.Ed., RN</u>	<u>Raymond Mallel</u>
Executive Officer	Board President